

## **Template for SB 442-HB 313**

Uploaded by: Amate, Florence

Position: FAV

**FAVORABLE Support of SB 442/HB 313:  
Public-Private Partnership Agreements - Minority Business Enterprise Programs**

Dear Chairman Guzzone and Members of the Budget and Taxation Committee:

**Senate Bill 442** proposes to restore the applicability of Maryland's Minority Business Enterprise (MBE) program to public-private partnerships (P3s).

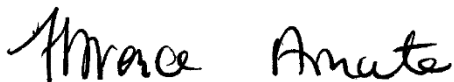
As a certified small business owner in Maryland, I am keenly aware of the benefits of public-private partnerships. P3s enable greater private sector participation, expertise, and mitigate risk for state agencies engaged in large infrastructure projects.

Restoring the application of the MBE program to P3s would benefit my Minority Business Enterprise for several reasons. I launched my company, Laisar Management Group in 2009 after working with Fortune 500 companies for the last 30 years. My company provides socio-economic impact services and solutions to local governments and corporations that want to invest in the communities where they live and work. The first 6 months of starting my business was very challenging with few prospects for contracting opportunities. The best advice that I received was to get certified with the Maryland Department of Transportation as an MBE. With my certification in hand, I received 2 significant contracts within 6 months. The second contract was to support the implementation, compliance and monitoring of the Video Lottery Terminal program which had mandated that private developers designate a certain percentage of their contracts to certified MBEs. I was able to hire 3 employees as a result of that contract. From that vantage point, I also saw other MBEs get opportunities that would otherwise not have come to them. Without this initiative, the developers would have had no incentive to hire locally and many of these contracts would have gone to out of state companies. I have been fortunate enough to also have a contract with MGM National Harbor where I can see how a company committed to their local community creates economic equity that benefits all citizens. Too many P3 projects bypass local engagement and hire companies that are from outside the region. P3s bring significant investments to our local communities, MBEs and other small businesses are the life blood of these same communities. An intentional program to give MBEs such as Laisar the opportunity to work on these P3s creates economic equity in a way that other government programs cannot.

After the completion of the 2017 Business Disparities in the Maryland Market Area study, Chapter 340 of the 2017 Maryland Code reauthorized the MBE program for five more years. However, it did not restore the application of the program to P3s. Senate Bill 442 would restore that application, enabling my Minority Business Enterprise to thrive in Maryland.

**Thus, I urge a favorable report on Senate Bill 442/House Bill 313.**

Respectfully,



Florence O. Amate  
President/CEO  
Laisar Management Group, LLC  
8737 Colesville Road  
Suite 1000  
Silver Spring, MD 20910

## **Barnes\_Fav\_Bill442**

Uploaded by: Barnes, Sen. Darryl

Position: FAV

DELEGATE DARRYL BARNES  
*Legislative District 25*  
Prince George's County

ASSISTANT SPEAKER PRO TEM  
DEPUTY MAJORITY WHIP

Ways and Means Committee

*Chair*  
Legislative Black Caucus of Maryland



The Maryland House of Delegates  
6 Bladen Street, Room 363  
Annapolis, Maryland 21401  
410-841-3557 · 301-858-3557  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 12, 2020

**FAVORABLE SUPPORT of SB 442/HB 313:  
Public-Private Partnership Agreements - Minority Business Enterprise Programs**

Dear Chairman Guzzone and Members of the Budget and Taxation Committee:

I urge you to vote a favorable report on SB 442: Public-Private Partnership Agreements - Minority Business Enterprise Program. SB 442 improves inclusion efforts and competitiveness for Minority Business Enterprises (MBE) in the state of Maryland. If passed, the legislation serves as a mechanism to re-establish a minority business enterprise procurement authority that is consistent with the State's MBE participation goals.

**What the Bill Does**

The bill proposes to restore a previous provision of Maryland's Minority Business Enterprise program to public-private partnerships (P3) which terminated in June of 2016.

SB 442 reestablishes a clause that the Board of Public Works (BPW) may not approve a P3 agreement until a reporting agency, in consultation with the Governor's Office of Small, Minority, and Women Business Affairs (GOSBA) and office of the Attorney General establishes reasonable and appropriate MBE participation goals for the project, as specified.

**Why Support the Bill**

In August 2013, the GOSBA announced a statewide goal of 29% MBE participation that remains in effect for fiscal 2020. In a Business Disparity Study published in February of 2017, the General Assembly found that there are substantial adverse disparities that are consistent with discrimination against businesses owned by minorities and women in the state of Maryland.

Despite the encouraged participation goal set by the GOSBA, a study conducted in fiscal year 2018 noted that state agencies collectively only reached a total of 15% MBE participation. Reauthorizing an MBE Program to P3s would help improve participation goals by:

- Expanding contracting opportunities for certified Minority Business Enterprises
- Better attracting MBE vendors to procurement opportunities by requiring State agencies to provide appropriate data and technical support, which can be implemented using existing resources.

## **Background**

As mentioned on the Board of Public Works' website, the board oversees procurement policy and operational procedures for most State agencies (including the direct review and approval of most State contracts exceeding \$200,000).

Under the authority of the Board of Public Works, four primary state agencies have jurisdiction over State procurement which include:

- Office of the State Treasurer
- Department of General Services
- Department of Transportation & Maryland Transportation Authority
- Maryland Port Commission

As enacted in 2013, Chapter 5 established a framework for the approval and oversight of P3s. However, the provisions of Chapter 5 of 2013 were effectively terminated on June 30, 2016, consistent with the termination date for the MBE program.

In 2017, the State's MBE program was restored for five years following the completion of a new disparity study in that year, however, it is worth noting that that provision which extended to P3 projects was not reactivated.

## **Leveraging MBEs**

According to a recent Government and Community Programs Resource Guide provided by Senator Ben Cardin, Maryland has the highest rate of minority and women-owned businesses per capita and rank in at second for minority women-owned firms in the United States. Minority businesses comprise of nearly 34% percent of the state's small business vendor community.

It is no secret that economies strengthen and become more profitable when diversity is prioritized. As the Chairman of the Legislative Black Caucus, I understand that MBEs are not limited to just African-American firms, rather black businesses represent a strong subset of the minority population which serves as the engine for a vibrant economic community in the state of Maryland.

Just this month, over 500 minority businesses traveled to Annapolis for an Annual Advocacy Night to learn about state opportunities in funding, tech innovation, and procurement. As MBEs continue to surge and expand, the ball now lies in our court.

**I strongly urge you to support SB 442: Public-Private Partnership Agreements - Minority Business Enterprise Program.**

Sincerely,

*Darryl Barnes*

Darryl Barnes  
Chairman, Legislative Black Caucus of Maryland, Inc.

## **Jackson Management Group**

Uploaded by: Jackson, Glinda

Position: FAV

**FAVORABLE Support of SB 442/HB 313:  
Public-Private Partnership Agreements - Minority Business Enterprise Programs**

Dear Chairman Guzzone and Members of the Budget and Taxation Committee:

**Senate Bill 442** proposes to restore the applicability of Maryland's Minority Business Enterprise (MBE) program to public-private partnerships (P3s).

As a certified small business owner in Maryland, I am keenly aware of the benefits of public-private partnerships. P3s enable greater private sector participation, expertise, and mitigate risk for state agencies engaged in large infrastructure projects.

Restoring the application of the MBE program to P3s would benefit my Minority Business Enterprise for several reasons.

As a certified MBE Jackson Management Group, LLC will have access to participate on projects; specifically P3 projects, that I would normally be shut out of. When we are successfully contracted as an MBE on P3 projects we gain access to loan opportunities to secure funding as banks want to see businesses working and generating income. Jackson Management Group working on a P3 projects, I am able to grow my business and increase my credibility as a business. MBE participation on P3 projects is an obligation of government to ensure that all firms in our State have an opportunity to participate in contracts that are paid for with tax dollars.

After the completion of the 2017 Business Disparities in the Maryland Market Area study, Chapter 340 of the 2017 Maryland Code reauthorized the MBE program for five more years. However, it did not restore the application of the program to P3s. Senate Bill 442 would restore that application, enabling my Minority Business Enterprise to thrive in Maryland.

**Thus, I urge a favorable report on Senate Bill 442/House Bill 313.**

Respectfully,

**Glinda Jackson, President**  
Jackson Management Group, LLC  
[www.jacksonmngmtgrp.com](http://www.jacksonmngmtgrp.com)  
443-333-1450

**Jackson Management Group, LLC is a MBE | WBE | DBE | SBE Certified Firm**

## **SB 442 Testimony FINAL 2.12.20**

Uploaded by: Kopp, Nancy

Position: FAV





MARYLAND STATE TREASURER  
Nancy K. Kopp

**Written Testimony of State Treasurer Nancy K. Kopp**

**SB 442 – Public-Private Partnership Agreements – Minority Business Enterprise Program**

**Before the  
Senate Budget and Taxation Committee**

**February 12, 2020**

Thank you for the invitation to comment on SB 442, a proposal to explicitly apply the provisions of the Minority Business Enterprise (MBE) Program, to the extent constitutionally permissible, to Public-Private Partnerships (P3). Given my role as your representative on the Board of Public Works, and as a former member of the Joint Legislative & Executive Commission on Oversight of Public-Private Partnerships, I appreciate the opportunity to focus attention on our MBE program, and support SB 442 and HB 313.

As you know, the State's MBE Program was established within Title 14 of the State Finance & Procurement Article in 1988 to combat past racial discrimination in state contracts and help expand the number of minority contractors. Subsequently, in 2010 the General Assembly enacted in Title 10A of the same Article, the State's first comprehensive Public-Private Partnership statute, and in 2013, based on the subsequent Report of the Joint Legislative and Executive Commission on Oversight of Public-Private Partnerships, essentially recrafted and strengthened that Public-Private Partnership statutory framework. Among the new provisions in the 2013 law was explicit, rather than implicit, establishment of aspirational MBE goals as part of P3 solicitations. This language was carefully crafted to meet the Constitutional constraints set out by the Supreme Court in the *City of Richmond v. J.A. Croson Company* decision.

Unfortunately, the 2013 language regarding MBE participation in P3's was allowed to "sunset" in 2016 and, therefore, intent regarding MBE participation in a specific P3 type of solicitation reverted to implicit inclusion via Title 14 coverage of state procurements in general. A law enacted in 2018 reinstated the provisions specifically for any P3 regarding the State Center Project, but not for all P3's.

It is my understanding that SB 442 incorporates the same carefully crafted language incorporated in Title 10A prior to its 2016 expiration, and seeks to rectify what I believe was an unintended consequence of the provision's sunset. The bill will once again explicitly encourage compliance with the MBE Program, a goal surely we all can agree is unchanged since the language was originally added.

I respectfully and strongly urge a favorable report on SB 442.

## **Senate Bill 442 -**

Uploaded by: Murkute, Shekhar

Position: FAV

Oral Testimony by Shekhar Murkute, PE – President of Pioneer Civil Engineering Services, Inc.

Thanks for the opportunity to testify in front of the MD Senate.

This is Shekhar Murkute, PE - President of Pioneer Civil Engineering Services, Inc (PCES). We are MDOT certified MBE/DBE/SBE/SBR. PCES offers Architectural and Engineering Services like Construction Management and Inspection, Pavement and Geotechnical Design, Pavement/Asset Management, Highway Design, Surveying, Partnering with the Asphalt/Concrete/Aggregate Industry for innovation.

I am here to testify in support of the Senate Bill 442. I worked for MDOT collectively for 17+ years as Division Chief, Design Team Leader, and on-site consultant along with working as Director for Design and CMI for small business firm with 140 employees.

Most of my work for last 17+ years with MDOT was concentrated on State Owned roadways (MD, US, and IS) in Montgomery and Prince George's County and was part of Design Build, CMAR, Progressive Design Build, and Purple Line P3 projects. All these big projects have benefitted not only the Prime companies, but also lot of MBE companies in MD. As MBEs have worked on these big projects, they have gained valuable experience and are looking forward to working on bigger and better projects for MDOT and MD Counties. The MBEs who already have well trained personnel or the MBEs who are willing to train their personnel will require more infrastructure projects like P3 to work on. There is no better way to utilize these MBEs than to make them part of the biggest and historic P3 projects that MD is initiating. Some of MBEs will use this experience and will go on to become smaller Prime companies and, in the process, fulfill one of the goals of MDOT's SBR/SBE program. The P3 project can provide MBEs with a platform to learn and aim to become smaller Prime companies in future.

Currently, the infrastructure spending from MDOT is on the lower side as compared to last few years due to challenges in securing funds (gas tax and FHWA) and P3 will help in bridging the gap in funding and maintain steady source of work and revenues for MBEs.

I would like to thank Opportunity MDOT, a program by MDOT, to help MBEs understand the intricacy of P3 projects.

In conclusion, this will be once in a lifetime opportunity for MBEs to be part of something big and historic and be part of helping the community.

## **AntonioHayes\_FAV\_Bill442**

Uploaded by: Senator Hayes, Senator Hayes

Position: FAV

ANTONIO HAYES  
Legislative District 40  
Baltimore City

Finance Committee



Annapolis Office  
James Senate Office Building  
11 Bladen Street, Room 222  
Annapolis, Maryland 21401  
410-841-3656 · 301-858-3656  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 12, 2020

**Testimony of Senator Antonio Hayes in Support of SB 442:  
Public-Private Partnership Agreements - Minority Business Enterprise Programs**

Dear Chairman Guzzone and Members of the Budget and Taxation Committee:

**Senate Bill 442** proposes to restore the applicability of Maryland's Minority Business Enterprise (MBE) program to public-private partnerships (P3s).

Current law defines P3s as a "method for delivering public infrastructure assets using a long-term, performance-based agreement between specified State "reporting" agencies and a private entity." P3s enable greater private sector participation, expertise, and mitigate risk for state agencies engaged in large infrastructure projects.

Restoring the application of the MBE program to P3s would be beneficial for two reasons. First, it would expand contracting opportunities for certified Minority Business Enterprises. Second, it would better attract MBE vendors to procurement opportunities by requiring State agencies to provide appropriate data and technical support, which can be implemented using existing resources. Furthermore, Senate Bill 442 is not expected to affect State revenues.

Chapter 5 of the 2013 Maryland Code required P3s to follow the State's MBE requirements until 2016, which was consistent with the expiration date of the MBE program. After the completion of the 2017 Business Disparities in the Maryland Market Area study, Chapter 340 of the 2017 Maryland Code reauthorized the MBE program for five more years. However, it did not restore the application of the program to P3s. Senate Bill 442 would restore that application, enabling positive economic benefits for both MBEs and State agencies.

**Thus, I urge a favorable report on Senate Bill 442.**

Respectfully,

A handwritten signature in blue ink, appearing to read "Antonio Hayes".

Senator Antonio L. Hayes  
Chair, Baltimore City Senate Delegation  
40<sup>th</sup> Legislative District - MD

## **Jones\_FAV\_Bill442**

Uploaded by: Senator Hayes, Senator Hayes

Position: FAV





**Blacks of the Chesapeake Foundation**  
3436 Cohasset Ave.  
Annapolis, MD. 21403  
[Vincent425@comcast.net](mailto:Vincent425@comcast.net)  
(410) 570-1187

**February 12, 2020**

**Re: Senate Bill 442 Public-Private Partnership Agreement**

**Honorable Guy J. Guzzone, Chairman**

**Honorable James C. Rosapepe**

**Dear Mr. Chairman**

**My name is Vincent O. Leggett and our organization is in total support of the passage of Senate Bill 442.**

**The Blacks of the Chesapeake is an environmental education organization that supplies supplemental materials of instruction to public schools, environmental and historical societies throughout Maryland and surrounding jurisdictions.**

**For the past 30 years we have worked with minority business owners in the maritime and seafood related industries.**

**We feel that passage of this legislation would be extremely beneficial to these men and women who do business with the state.**

**Thanks you for allowing the Blacks of the Chesapeake to testify today.**

**Sincerely,**

**Vincent O. Leggett, President**



OMO-ETI  
OMO Energy & Technology, Inc.  
9801 Greenbelt Road, Suite 318  
Lanham, MD 20706

**February 12, 2020**

**Re: Senate Bill 442 Public-Private Partnership Agreement**

**Honorable Guy J. Guzzone, Chairman**

**Honorable James C. Rosapepe**

**Mr. Chairman**

**I am president of OMO-ETI and I am here today to testify in favor of Senate Bill 422, sponsored by Senator Antonio Hayes and others. This bill is extremely important to minority businesses throughout the state. While we realize the importance of public-private partnerships, this strategy should not be utilized to circumvent minority business participation objectives. I have submitted copies of my written testimony and stand ready to answer any questions you or other committee members may have.**

**Thank you for allowing me to testify on this import matter.**



**Respectfully submitted**

**Carnelious Jones,**

President/CEO

OMO Energy & Technology, Inc. (OMO-ETI) is a service disabled veteran-owned small business (SDVOSB); headquartered in Lanham, Maryland. With over 30 years of experience and expertise; we are a full-service Wholesale Distributor of Fuels, Lubricants, Motor Oils, Greases, Natural Gas, LNG & CNG. OMO-ETI has regional offices in Memphis, Tennessee and distribution locations in Texas, Tennessee, Arkansas and Mississippi. OMO-ETI has the capability to customize a fuel purchasing strategy to deliver petroleum products and services to any agency. With our supply chain of fuel and our access to various national and international pipelines; OMO-ETI can support any fleet, anytime, and anywhere!

## **Kendrick Tiglman**

Uploaded by: Tilghman, Kendrick

Position: FAV



***Our Strength is in Our Numbers  
Our Power is in Our Unity***

February 12, 2020

Senator Guy Guzzone, Chairman  
Senator Jim Rosapepe Vice Chair  
Senate Budget and Taxation Committee  
3 West Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Public-Private Partnership Agreements - Minority Business Enterprise Program Legislation – HB 442

Dear Chairman Guzzone:

We apologize for the conflict in scheduling not allowing us to be there in person today. On behalf of the members of The Greater Baltimore Black Chamber of Commerce (GBBCC), we are in support of SB442- Public-Private Partnership Agreements - Minority Business Enterprise Program. Simply put, this is a good piece of legislation.

The GBBCC was founded 14 years ago this month to address the issues dealing with the lack of opportunity for African American small business. This legislation is intended to open doors of opportunity and eliminate barriers to minority business in the untapped contracting and procurement area of Public-Private Partnerships. Until now the GBBCC and most of our member were unaware that these contracts were being awarded without MBE goals. We support this legislation that would expand contracting opportunities for our members and all other certified Minority Business Enterprises. It is our hope that it will also attract additional MBE vendors to the contract and procurement opportunities previously unavailable to them in Public-Private Partnerships.

As a Chamber our organization's mission is to advocate for good legislation. On behalf of the membership of the Greater Baltimore Black Chamber of Commerce, we request a Favorable Report on Senate Bill 442.

Sincerely,

*Kendrick Tilghman*

Kendrick Tilghman, President

*Debra Keller-Greene*

Debra Keller-Greene, Chairperson

# **LaTasha Ward SB 442-HB 313 - Letter of Support**

Uploaded by: Ward, LaTasha

Position: FAV

**FAVORABLE Support of SB 442/HB 313:  
Public-Private Partnership Agreements - Minority Business Enterprise Programs**

Dear Chairman Guzzone and Members of the Budget and Taxation Committee:

**Senate Bill 442** proposes to restore the applicability of Maryland's Minority Business Enterprise (MBE) program to public-private partnerships (P3s).

As a certified small business owner in Maryland, I am fully aware of the benefits of public-private partnerships. P3s enable greater private sector participation, expertise, and mitigate risk for state agencies engaged in large infrastructure projects.

Restoring the application of the MBE program to P3s would benefit my Minority Business Enterprise for several reasons. MBE program would expand contracting opportunities for certified Minority Business Enterprises. Having the program restored at least I would have a better chance to do business in Maryland.

After the completion of the 2017 Business Disparities in the Maryland Market Area study, Chapter 340 of the 2017 Maryland Code reauthorized the MBE program for five more years. However, it did not restore the application of the program to P3s. Senate Bill 442 would restore that application, enabling my Minority Business Enterprise to thrive in Maryland.

**Thus, I urge a favorable report on Senate Bill 442/House Bill 313.**

Respectfully,

LaTasha R. Ward  
Co-Founder/ Vice President of Business Development  
QED Inc.